

the American people by avoiding excessive concentration of licenses and by disseminating licenses among a wide variety of applicants”⁵⁴ The delays imposed by efforts to separately license Gulf PCS service areas will initially limit wireless communications users in the Gulf to cellular providers. In contrast, confirming the right of incumbent broadband PCS licensees to serve the Gulf provides immediate competition with cellular incumbents, particularly in offshore areas near the Gulf Coast.

Furthermore, the Commission must address the viability of creating many additional separate broadband PCS license areas in the Gulf under the current frequency band plan.⁵⁵ Should the Commission impose its proposed cellular Gulf service area plan for PCS, there could be six additional broadband PCS licenses issued for each of the water-based Gulf service areas, each with varying amounts of spectrum.⁵⁶ The Commission should not now create additional Gulf PCS service areas without seriously considering the viability of such additional license allocations. PrimeCo submits that additional PCS service providers will *not* be viable *here* and will disserve the public interest where: (1) so many CMRS licensees (PCS, cellular, ESMR and WCS)⁵⁷ will exist in a geographic area with no permanent population; (2) much of

⁵⁴ *Id.* § 309(j)(3)(B).

⁵⁵ In the *Second Further Notice*, the Commission asked parties to address “whether sufficient demand exists to justify an extension of . . . PCS services into the Gulf of Mexico.” As discussed herein, PrimeCo submits that demand for PCS can readily and effectively be met by *existing* authorized PCS carriers. *See Second Further Notice* ¶ 60.

⁵⁶ *See* 47 C.F.R. § 24.229. The broadband PCS band plan was created with various combinations of service areas and bandwidths in mind to help ensure that licensees would become viable service providers. *PCS Reconsideration Order*, 9 FCC Rcd. at 4978-82, 4987-88.

⁵⁷ In addition to the incumbent PCS licenses currently authorized to serve the Gulf, separate water-based PCS licensees would encounter numerous land-based cellular licensees, at
(continued...)

the service provided within a separate license area will be roaming service (particularly to boaters) and will involve commercial activity closely related to land-based economic activity; (3) the costs of deploying and maintaining offshore transmitters are unusually high; and (4) interference and facilities siting problems will detrimentally impact provision of reliable service for land and offshore areas.

Allowing incumbent PCS licensees to provide Gulf service enables numerous existing MTA and BTA licensees to utilize economies of scale to serve Gulf offshore areas and will ensure the availability of competitive services to the Gulf. Incumbent PCS licensees, unlike separate offshore licensees, have both land-based transmitters to provide more dependable service, and a base of land-based subscribers to help ensure the economic viability of Gulf service. In this regard, while there is demand for wireless telecommunications services in the Gulf's offshore region, the oil and gas industry is notoriously cyclical and PrimeCo submits that to ensure the viability and competitiveness of offshore service, PCS licensees authorized to serve offshore areas will benefit from an underlying base of land-based subscribers and a network which includes land-based sites and equipment. The Commission's existing licensing scheme thus enables numerous licensees to serve the Gulf quickly and efficiently.

Section 309(j)(3) also requires that the Commission promote the efficient and intensive use of the electromagnetic spectrum.⁵⁸ The 120 MHz of available PCS spectrum is

⁵⁷ (...continued)
least 2 water-based cellular licensees, water-based ESMR and land- and water-based WCS licensees.

⁵⁸ 47 U.S.C. § 309(j)(3)(D).

licensed in large 30 MHz and 10 MHz blocks.⁵⁹ Because of the lighter capacity requirements required for PCS in the Gulf (due to the lack of a permanent population), and the cyclical nature of the oil and gas drilling industry, as well as the particular needs of boating customers, PrimeCo submits that unless the Commission allows incumbent PCS licensees to use their marketing and facilities siting advantages to provide service in the Gulf, consumers will opt against using PCS due to high roaming charges and less reliable service. Stand-alone Gulf voice PCS service may well prove nonviable, and other potential uses of PCS frequencies may go untapped.

Indeed, the Commission has itself set forth an important basis for rejection of separate Gulf service areas for PCS, inquiring with respect to cellular “whether the fact that boat travelers would be required to incur higher roaming fees from [offshore] carriers . . . should be a factor to consider in determining the parameters of the Coastal and Exclusive Zones.”⁶⁰ A separate Gulf-based PCS licensing area would necessitate roaming agreements — and likely higher subscriber costs — between incumbent and water-based PCS licensees. As noted above, customer confusion and service disruption will be unavoidable. It is simply unnecessary to impose such costs on consumers.⁶¹ Absent a single licensee able to provide seamless coverage for land and Gulf customers on a given PCS frequency block, incompatible technologies, high roaming rates and unreliable service will likely result. Allowing PCS incumbent carriers to serve the Gulf will guarantee that seamless coverage and compatible technologies (*i.e.* CDMA, GSM, TDMA) will be available for use by PCS consumers in the Gulf’s offshore areas.

⁵⁹ 47 C.F.R. § 24.229.

⁶⁰ *Second Further Notice* ¶ 34.

⁶¹ In addition, unlike cellular, there are no incumbent PCS licensees separately licensed to serve the Gulf that the Commission must accommodate.

In this regard, PrimeCo again emphasizes that existing PCS licensees can more efficiently use the allocated spectrum without fear of co-block interference. As noted, there are only 11 channels available for use by A, B and C Block licensees, and three channels for the D, E and F Block licensees. When using one channel on the land, a different channel will have to be used by the water-based carriers which, in turn, precludes the use of that channel on land. This technological limitation perpetuates the inefficient use of spectrum by both the water-based and incumbent carriers.


In sum, establishing separate Gulf PCS license service areas will likely result in underused spectrum, unnecessary licensing delays and subscriber costs, and unreliable service. In contrast, allowing incumbent PCS licensees to serve offshore areas of the Gulf will promote more efficient spectrum use and reliable service to the public by enabling incumbent licensees to provide ubiquitous and commercially viable Gulf service.

CONCLUSION

For the reasons discussed herein, PrimeCo submits that the Commission should affirm incumbent MTA/BTA PCS licensees' existing authority to serve the Gulf's offshore areas. The Commission must also ensure that incumbent MTA and BTA PCS licensees' service rights are not undermined or otherwise compromised by this proceeding.

Respectfully submitted,

PRIMECO PERSONAL COMMUNICATIONS, L.P.

By: 
William L. Roughton, Jr.
Associate General Counsel

Its Attorney

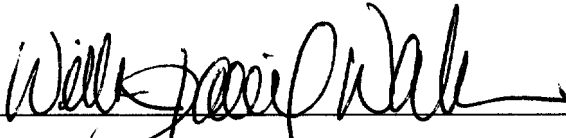
DECLARATION OF WILLIAM DAVID WALKER

I, William David Walker, state as follows:

1. I am Director of RF Engineering and Network Engineering for PrimeCo Personal Communications, L.P. ("PrimeCo") for the Houston, Texas Major Trading Area ("MTA"). PrimeCo is the sole general partner and majority owner of Houston MTA, L.P., the broadband PCS licensee for the Block B Houston MTA market. In this position, I have managed the design, implementation and performance of the Houston MTA system, which includes areas in and around the Gulf of Mexico.
2. I have also managed the design, implementation and performance of other cellular and PCS systems in several markets over the past 12 years, including several markets along the Gulf of Mexico coastline. I have a Bachelor of Science degree in Electrical Engineering from Texas A&M University, at Bryan-College Station, Texas.
3. Through my current position, industry and educational experience, I am knowledgeable about issues relating to PCS RF and network engineering in coastal and offshore areas of the Gulf of Mexico.
4. The Federal Communications Commission ("Commission") has proposed possibly licensing additional PCS providers to serve the Gulf of Mexico's offshore areas. I have read and am familiar with the Commission's proposal.

5. I have reviewed the foregoing Comments and have personal knowledge of the facts contained therein as they relate to PrimeCo and the Texas MTA licensees controlled and operated by PrimeCo. In my opinion, the foregoing Comments accurately discuss the engineering and interference difficulties that would be imposed on these CDMA broadband PCS networks if additional water-based PCS licensees were to be allocated in the Gulf of Mexico.

6. I hereby state that the facts contained in the foregoing Comments and in the instant declaration are true and correct to the best of my knowledge, information and belief.



William David Walker

Dated: June 27, 1997

DECLARATION OF ANDREW W. CLEGG

I, Andrew W. Clegg, state as follows:

1. I am a Senior Engineer for the Spectrum Sharing group in the Wireless Communications department of Comsearch. I am the company's technical point-of-contact for interference issues between PCS providers, and am involved in the creation of industry guidelines for the estimation and reduction of inter-PCS interference.

2. Based on my experience, I am knowledgeable and familiar with RF engineering and propagation issues pertaining to land and Gulf of Mexico-based operations by commercial mobile radio service providers.

3. I have read and am familiar with the Commission's proposal for possibly licensing additional PCS providers to serve the Gulf of Mexico offshore areas. I have also reviewed the foregoing comments prepared by PrimeCo Personal Communications, L.P.

4. In my professional opinion, the foregoing PrimeCo Comments accurately discuss the engineering and interference difficulties that would be imposed on PrimeCo's CDMA broadband PCS network if separate "water-based" Gulf PCS license areas were to be allocated.

5. The facts and statements contained in the instant declaration are true and correct to the best of my knowledge, information and belief.


Andrew W. Clegg

Dated: 7/1/97

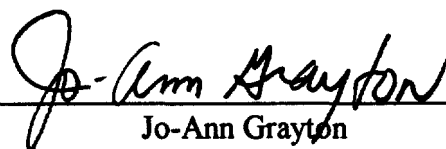
CERTIFICATE OF SERVICE

I, Jo-Ann Grayton, do hereby certify that I have, on this 2nd day of July, 1997, caused to be served, by hand delivery, a copy of the foregoing Comments to the following:

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Jo-Ann Grayton